



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,641	07/01/2003	Curtis G. Wong	MS1-3999US	1389
22801 7590 11/16/2009 LEE & HAYES, PLLC 601 W. RIVERSIDE AVENUE SUITE 1400 SPOKANE, WA 99201				
EXAMINER				
KE, PENG				
ART UNIT		PAPER NUMBER		
2174				
NOTIFICATION DATE		DELIVERY MODE		
11/16/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary

Application No.

10/611,641

Applicant(s)

WONG ET AL.

Examiner

SIMON KE

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 10-25, 27, 29-35, 37-42, 46-53 and 55-59 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 1-5, 10-25, 27, 29-35, 37-42, 46, 47-53, and 55-59 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Final Drawing Review (PTO-849)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to communications: Amendment, filed on 7/6/09.

Claims 1-5, 10-25, 27, 29-35, 37-42, 46, 47-53, and 55-59 are pending in this application.

Claims 1, 24, and 52 are independent claims. In the Amendment, filed on 7/6/09, claims 1, 10-12, and 24 were amended.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-5, 10-20, 23-24, 17, 19-31, 33, 33, 35, 37-42, 46-47, 52-53, and 55-59 rejected under 35 U.S.C. 102(e) as being anticipated by Drucker US Patent 7,117,453.

As per claim 1, Drucker 7,117,453 teaches a computer-implemented interactive media frame display system comprising the following computer executable components:

a host component comprising at least one host media store; (see Drucker, col. 12, lines 25-45; col. 30, lines 50-70; host server is the host media store)

a media frame component that facilitates full interactivity by a user to remotely browse and selectively view a plurality of media items in a display cycle, the plurality of media items comprise digital picture or video and are stored in the at least one host media store, the media

frame component comprising: (see Drucker, col. 15, lines 1-15, viewing slide show is a display cycle)

an annotation component that annotates one or more media items with one or more metadata, the one or more metadata comprising at least one of an intrinsic metadata comprising at least a user behavior and an extrinsic metadata comprising at least a generic training data, the annotation component (see Drucker, col. 18, lines 25-40) comprising:

a metadata generation component comprising an analyzing component that identifies one or more properties associated with the media items; (see Drucker, col. 18, lines 25-40) and a communication connection between the media frame component and the host component, the communication connection enabling the media frame display to (see Drucker, col. 27, lines 30-55):

retrieve a plurality of media items from the host media store, store states them in a local store, arrange arranges a subset of the media items in a display cycle, (see Drucker, col. 27, lines 30-55, col. 30, lines 50-70;)

perform performs edit operations to a metadata of at least one of the media items, (see Drucker, col. 27, lines 30-55, col. 30, lines 50-70;) and

transmit transmits back to the host media store the at least one of modified metadata, and/or the display cycle of the subset of the media items, wherein the local data store is operably

connected to the interactive media frame display. (see Drucker, col. 27, lines 30-55, col. 30, lines 50-70;)

As per claim 2, Drucker teaches the system of claim 1, the host component comprising one or more host locations, the host locations comprising at least one of a server and a computer, such that each host location comprises at least one host media store. (see Drucker, col. 27, lines 30-55, col. 30, lines 50-70;)

As per claim 4, Drucker teaches (Previously Presented) The system of claim 2, the host locations being arranged in hard wired network configuration with the media frame component. (see Drucker, col. 31, lines 1-17)

As per claim 5, Drucker teaches the system of claim 1, the communication component being at least one of a wireless connection and a hard wire connection. (see Drucker, col. 31, lines 1-17)

As per claim 10, Drucker teaches the system of claim 1, the analyzing component comprising a classifier. (see Drucker, col. 1, lines 45-60)

As per claim 11, Drucker teaches the system of claim 1, the analyzing component comprising a pattern recognition component. (see Drucker, col. 1, lines 45-60)

As per claim 12, Drucker teaches the system of claim 1, the metadata generation component generating new metadata based at least in part upon a cluster of media items retrieved from one or more host locations by analyzing the media items for at least one property common among them. (see Drucker, col. 1, lines 45-60)

As per claim 13, Drucker teaches the system of claim 12, wherein analyzing the media items comprises at least one of face recognition, content analysis, and intrinsic metadata comparison. (see Drucker, col. 1, lines 45-60)

As per claim 14, Drucker teaches the system of claim 1 comprising a local data store that stores one or more media items retrieved from one or more host locations. (see Drucker, col. 31, lines 1-17)

As per claim 15, Drucker teaches the system of claim 1 comprising an interface component comprising at least one of a microphone component, one or more command buttons, and a touch screen. (see Drucker, col. 30, lines 30-51)

As per claim 16, Drucker teaches the system of claim 15, the one or more command buttons corresponding to at least one of play, back, reverse, forward, stop, pause, menu, mode, edit mode, view mode, annotation function, order function, skip, populated metadata lists, file size, media item size, speed, time, date, volume, save, delete, scroll bar, scroll tool, and power.

(see Drucker, col. 18, lines 10-40)

As per claim 17, Drucker teaches the system of claim 1 comprising a microprocessor that controls, operates, and tracks retrieval of the one or more media items from one or more host locations. (see Drucker, col.18, lines 30-45)

As per claim 18, Drucker teaches the system of claim 1, the media item comprising at least one of a photograph, a picture, a video, a video clip, a song, a sound, a document, or an electronic mail message. (see Drucker, col. 1, lines 45-60)

As per claim 19, Drucker teaches the system of claim 1, comprising one or more audio output components. (see Drucker, col. 25, lines 18-30)

As per claim 20, Drucker teaches the system of claim 19, the one or more audio components being one or more speakers. (see Drucker, col. 30, lines 30-51)

As per claim 23, Drucker teaches the system of claim 1 is pocket-sized thereby facilitating transportability of viewing favorite media items. (see Drucker, col.18, lines 30-45)

As per claim 24, Drucker teaches a computer-implemented method of browsing, viewing, and/or manipulating one or more media items from a remote interactive media frame display

Art Unit: 2174

comprising:

retrieving one or more media items from at least one host location; (see Drucker, col. 12, lines 25-45; col. 30, lines 50-70; host server is the host media store)

displaying the one or more media items on the interactive media frame, wherein the media items comprise digital picture or video; : (see Drucker, col. 15, lines 1-15, viewing slide show is a display cycle)

receiving a user input that includes a request to browse or view the one or more media items in a display cycle; , (see Drucker, col. 27, lines 30-55, col. 30, lines 50-70;)

performing one or more acts on the one or more media items based at least in part upon the user input; (see Drucker, col. 18, lines 25-40)

annotating the one or more media items with one or more metadata; (see Drucker, col. 1, lines 40-60)

viewing the one or more favorite media items on the display for enjoyment wherein viewing one or more favorite media items on the display comprises performing at least one of the

Art Unit: 2174

following:

designating a percentage of media items having a common metadata from the retrieved media items as a favorite media item for viewing; (see Drucker, col. 6, lines 13-50)

designating the display cycle to cyclically display the favorite media items in connection with at least one of an amount of viewable time per media item or a length of time one or more media items are available for viewing on the display; (see Drucker, col. 18, lines 40-50)

ordering the one or more media items into an alternate display cycle based at least in part upon any one of metadata and user preferences; (see Drucker, col. 22, lines 30-58)

removing adding the one or more media items from/to the display cycle; (see Drucker, col. 23, lines 55-col. 24, lines 10)

storing the one or more media items in a local data store operably connected to the interactive media frame display; (see Drucker, col. 30, lines 52-70)and

transmitting back to the host media store the at least one of annotations to the media items and the altered display cycle of the media items. (see Drucker, col. 1, lines 40-60)

As per claim 27, Drucker teaches the method of claim 24, Drucker teaches comprising detecting a user interface prior to receiving the user input. (see Drucker, col. 6, lines 50-62)

As per claim 29, Drucker teaches the method of claim 24, wherein annotating the one or more media items with one or more metadata comprises:

selecting one or more media items; (see Drucker, col. 1, lines 40-60)

and

tagging the media items with metadata as a group and/or individually; (see Drucker, col. 1, lines 40-60)

As per claim 30, Drucker teaches the method of claim 29, comprising storing the tagged media items in at least one of a local data store and a respective host media store. (see Drucker, col. 30, lines 50-70)

As per claim 31, Drucker teaches the method of claim 24, wherein ordering the one or more media items based at least in part upon anyone of metadata and user preferences comprises. (see Drucker, col. 6, lines 50-62)

As per claim 33, Drucker teaches the method of claim 24, wherein the one or more media items are viewed in at least one of individually, in clusters, whereby more than one media item is

viewable at the same time, and in a slide show. (see Drucker, col. 4, lines 13-40)

As per claim 35, Drucker teaches the method of claim 34, the calendar being located at the host location. (see Drucker, col. 17, lines 55-65)

As per claim 37, Drucker teaches the method of claim 24, the media items in the interactive media frame comprising items retrieved from one or more host locations. (see Drucker, col. 27, lines 30-55, col. 30, lines 50-70;)

As per claim 38, Drucker teaches the method of claim 37, wherein the respective media items comprise a host identifier metadata such that changes made to the media items are communicated to their respective host locations. (see Drucker, col. 27, lines 30-55, col. 30, lines 50-70;)

As per claim 39, Drucker teaches the method of claim 24, comprising searching for media items from one or more host locations that have metadata in common with a retrieved media item. (see Drucker col. 7, lines 57-col. 8, lines 16)

As per claim 40, Drucker teaches the method of claim 27, the user interface comprising at least one of one or more command buttons, an audio receiver component, or a touch screen. (see

Drucker, col. 30, lines 30-51)

As per claim 41, Drucker teaches the method of claim 40, the one or more command buttons comprising at least one of play, back, reverse, forward, stop, pause, menu, mode, edit mode, view mode, annotation function, order function, skip, populated metadata lists, file size, media item size, speed, time, date, volume, save, delete, scroll bar, scroll tool, and power. (see Drucker, col. 18, lines 10-40)

As per claim 42, Drucker teaches the method of claim 40, the audio receiver component being a microphone. (see Drucker, col. 30, lines 28-52)

As per claim 46, Drucker teaches the interactive media flame display of claim 42, comprising means for searching for media items from one or more host locations that have metadata in common with a retrieved media item. (see Drucker, col. 2, lines 18-38)

As per claim 47, Drucker teaches the interactive media flame display of claim 42, the means for performing one or more acts to the one or more media items comprising at least one of the following:

means for annotating the one or more media items with one or more metadata; (see Drucker, col. 18, lines 25-40)

means for viewing one or more favorite media items on the display for enjoyment; (see Drucker, col.18, lines 30-45)

means for ordering the one or more media items based at least in part upon any one of metadata and user preferences; (see Drucker, col. 22, lines 30-58) and

means for removing the one or more media items from the interactive media frame. (see Drucker, col. 16, lines 22-40)

As per claim 52, Drucker teaches a computer-implemented interactive media frame display system comprising the following components:

a media frame component that facilitates full interactivity by a user to remotely browse, (see Drucker, col. 12, lines 25-45; col. 30, lines 50-70; host server is the host media store)

manipulate, and view a plurality media items in a display cycle wherein a user designates one or more of a percentage of related media items to display in a single cycle or a time of display for each media item within the display cycle or a period for which each media item is displayed in the display cycle; (see Drucker, col. 15, lines 1-15, viewing slide show is a display

cycle)

a communication component that connects the media frame component to at least a remote host media store such that it facilitates retrieval of the one or more media items from the remote host media store by the media frame component and transmission of at least one media item modified at the media frame back to the remote host media store; (see Drucker, col. 18, lines 25-40; see Drucker, col. 27, lines 30-55, col. 30, lines 50-70;)

a local store operably connected to the media frame component for storing the one or more media items retrieved from the remote host media store and the at least one of modified media items or operations performed on the media items. (see Drucker, col. 27, lines 30-55, col. 30, lines 50-70;)

As per claim 53, Drucker teaches the system of claim 52, wherein the media frame component comprising a scrubbing component that removes tagged metadata from the one or more media. (see Drucker, col. 10, lines 35-56)

As per claim 55, Drucker teaches the system of claim 52, further comprising one or more of the remote host media stores for storing a plurality of media items to view, and manipulate via

the media frame component. (see Drucker, col. 10, lines 57-col. 11, lines 16)

As per claim 56, Drucker teaches the system of claim 52, the modified media item communicated to the host component includes at least one media item annotated with one of one or more keywords or phrases via a user audio input such that the media item is annotated remotely from the host media store. (see Drucker, col. 18, lines 25-39)

As per claim 58, Drucker teaches the system of claim 1, the media frame component comprising an artificial intelligence component that facilitates viewing of the media items based at least in part upon one or more of historical data relating to media items received at the media frame component or viewing preferences. (see Drucker, col. 22, lines 30-58)

As per claim 59, Drucker teaches the system of claim 58, the media frame component automatically searches for new media items added in the host media store and processes them according to previously set annotation and viewing parameters for existing related items.(see Drucker, col. 15, lines 55-col. 16, lines 15)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2174

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drucker US Patent 7,117,453 in view of Agarwa US Publication 2006/0178946.

As per claim 3, Drucker teaches the system of claim 2. However, Drucker fails to teach the host locations being arranged in wireless network configuration with the media frame component.

Agarwa teaches the host locations being arranged in wireless network configuration with the media frame component. (see Agarwal paragraph 0075)

It would have been obvious to an artisan at the time of the invention to include Agarwal's teaching with method of claim Jacobi in order to allow user to access the network wirelessly.

As per claim 25, which is dependent on the method of claim 24, it is rejected under the same rationale as claim 3. Supra.

Claims 21, 22, 34, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drucker 7,117,453 in view of Moraes US Patent 6,014,502.

As per claim 21, Drucker teaches the system of claim 1, however, Drucker fails to teach comprising a calendar functionality component whereby the one or more media items can be viewed within a viewing cycle coincident with a real time calendar based at least in part on metadata associated with the media items.(see Drucker, col. 17, lines 55-65)

Moraes teaches a calendar functionality component whereby the one or more media items can be viewed within a viewing cycle coincident with a real time calendar based at least in part on metadata associated with the media items. (see Moraes, col. 20 , lines 33-57)

It would have been obvious to an artisan at the time of the invention to include Moraes with Drucker in order to allow media object to be played at the right time.

As per claim 22, Drucker teaches the system of claim 21, the calendar being located on at least one of the interactive media frame display and the host location. (see Drucker fig. 41)

As per claim 34, it is rejected under the same rationale as claim 21. Supra.

As per claim 57, it is rejected under the same rationatle as claim 34. Supra.

Claims 48-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drucker 7,117,453 in view of 6,061,719.

As per claim 48, Drucker teaches the system of claim 1, however, Drucker fails to teach wherein the interactive media frame display is implemented on a television.

Bendinelli teaches the interactive media frame display is implemented on a television. (see Bendinelli, column 5, lines 30-60)

It would have been obvious to an artisan at the time of the invention to include Moraes with Drucker in order to present web content to a viewer in synchronization with television programming.

As per claim 49, Drucker and Bendinelli teaches the system of claim 48. Bendinelli further teaches wherein the television comprises at least two modes: TV mode and passive mode, such that retrieving, viewing, browsing and manipulating media items pulled from the host location are performed in the passive mode. (see Bendinelli, col. 5, lines 30-60)

As per claims 50 and 51, they are rejected under the same rationale as claim 48 and 49.

Response to Arguments

Applicant's arguments with respect to claims 1-5, 10-25, 27, 29-35, 37-42, 46, 47-53, and 55-59 have been considered but are moot in view of the new ground(s) of rejection.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SIMON KE whose telephone number is (571)272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Peng Ke
/Peng Ke/
Primary Examiner, Art Unit 2174